

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAGISTRATE ACTION NO. V-08-16-1
	§	
HUMBERTO MELGAR JR	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets the probable cause standard. Paragraphs one through six of the Pretrial Services Report are adopted. The defendant was on bond for reckless driving when he committed this offense, with a court date of February 6, 2008, which he obviously missed. The fact that defendant committed an offense while on bond reflects that he is either unwilling or unable to comply with court-ordered conditions of bond. The government's motion for detention is granted. The denial of

bond is without prejudice. A bond may be reconsidered if the defendant can demonstrate that he has taken steps to continue his court date on the reckless driving matter and he is not in jeopardy of being arrested on that offense, and he can show he will be living somewhere suitable to Pretrial Services with proof of an installed land line telephone.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 6th day of February, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE